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8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **LOS ANGELES DIVISION**  
11

12 In re	) Case No. 2:04-bk-35757-VZ
	)
13 PECK/JONES CONSTRUCTION	) Chapter 7
14 CORPORATION,	)
	) <b>AMENDED TRUSTEE'S NOTICE OF</b>
15 Debtor.	) <b>MOTION FOR APPROVAL OF</b>
	) <b>COMPROMISES WITH INTEGRATED</b>
16	) <b>MECHANICAL SYSTEMS, INC. AND</b>
	) <b>AMERICAN TECHNOLOGIES, INC.</b>
17	)
	) [No hearing required pursuant to Local
18	) Bankruptcy Rule 9013-1(o)]
19	)
	)
20	)

21 **PLEASE TAKE NOTICE** that R. Todd Neilson, Chapter 7 trustee (the "Trustee") for the  
22 estate of Peck/Jones Construction Corporation (the "Debtor"), has filed his Notice of Motion for  
23 Approval of Compromises with Integrated Mechanical Systems, Inc. ("IMS") and American  
24 Technologies, Inc. ("ATI") (the "Motion").

25 The Motion is made on the following grounds: Prior to December 14, 2004 (the "Petition  
26 Date"), the Debtor was a general contractor in connection with large construction projects. During  
27 the ninety days prior to the Petition Date, the Debtor transferred the sum of \$183,393.90 to IMS  
28 and \$297,079.59 to ATI on account of work, services and/or equipment that was rendered to the

1 Debtor by IMS and ATI prior to the date of the transfers. In January 2007, the Trustee filed  
2 complaints against IMS and ATI seeking to avoid and recover the transfers for the benefit of the  
3 estate. Trials on the Trustee's claims against IMS and ATI were held in October 2009, after which  
4 the Court entered judgment in favor of the Trustee and against IMS in the amount of \$182,393.90  
5 and a defense judgment in favor of ATI and against the Trustee. IMS filed a notice of appeal with  
6 respect to the Trustee's judgment. The Trustee filed an notice of appeal with respect to ATI's  
7 defense judgment. Both appeals were referred to the Bankruptcy Appellate Panel.

8 Subject to Court approval, the Trustee has agreed to settle his claims against IMS and ATI,  
9 pursuant to which IMS will pay the Trustee the sum of \$100,000 and ATI will pay the Trustee the  
10 sum of \$25,000. In exchange, both appeals will be dismissed and the parties will exchange releases  
11 of all known and unknown claims. The Trustee believes that the proposed settlements are fair and  
12 reasonable settlements of his claims against IMS and ATI, and are in the best interests of the estate  
13 and its creditors.

14 Settling with IMS and ATI may require the Trustee, pursuant to the terms of his earlier  
15 settlements with Malcolm Drilling Company, Inc. ("Malcolm") and Western Allied Corporation  
16 ("Western"), to refund a portion of the settlement payments received from Malcolm and Western.  
17 In particular, the Malcolm and Western settlement agreements provided that if the Trustee settled  
18 with any of the defendants in the related adversary proceedings (American Technologies, Inc.  
19 (2:07-01058-VZ), D & M Steel (2:07-01060-VZ), DMG Corporation (2:07-01034-VZ), Integrated  
20 Mechanical Systems (2:07-01050-VZ)) at less than 60% of the amount of the Trustee's claim  
21 against that defendant, the settlement with Malcolm and Western will be reduced down to the other  
22 settlement percentage, but in no case less than 50%. Here, since ATI's settlement represents less  
23 than 50% of the amount of the Trustee's claim, the Trustee may be required to refund \$8,692.03 to  
24 Malcolm and \$5,645.50 to Western.

25 The Motion is based upon this separate notice, the Motion, the Memorandum of Points and  
26 Authorities, Declaration of R. Todd Neilson and Request for Judicial Notice, the papers and  
27 pleadings on file in this case, and such other evidence as may be presented to the Court.  
28

1       **PLEASE TAKE FURTHER NOTICE** pursuant to Local Bankruptcy Rule 9013-1(o), you  
2 are hereby advised that unless an objection along with a request for a hearing is properly filed and  
3 served within fourteen days of the date of this notice, a proposed order will be lodged by the  
4 Trustee approving the proposed settlement. Any response or opposition to the Motion shall be  
5 stated in writing, filed with the Court and served on the United States Trustee, 725 South Figueroa  
6 Street, 26th Floor, Los Angeles, CA 90017, and the Trustee's counsel at the address noted in the  
7 upper left-hand corner of the first page of this notice. If you fail to file a written response within  
8 fourteen days of the date of the service of this Notice, the Court may treat such failure as a waiver  
9 of your right to oppose the Motion and may grant the requested relief.

10  
11 Dated: March 24, 2010

DANNING, GILL, DIAMOND & KOLLITZ, LLP

12  
13  
14 By: 

Aaron E. de Leest  
Attorneys for R. Todd Neilson, Chapter 7  
Trustee

In re: PECK/JONES CONSTRUCTION CORPORATION,

Debtor(s).

CHAPTER 7

CASE NUMBER 2:04-35757-VZ

**NOTE:** When using this form to indicate service of a proposed order, DO NOT list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/NEF docket.

### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: Danning, Gill, Diamond & Kollitz, LLP, 2029 Century Park East, Third Floor, Los Angeles, CA 90067

A true and correct copy of the foregoing document described as **AMENDED TRUSTEE'S NOTICE OF MOTION FOR APPROVAL OF COMPROMISES WITH INTEGRATED MECHANICAL SYSTEMS, INC. AND AMERICAN TECHNOLOGIES, INC.** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On March 24, 2010, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☒ Service information continued on attached page

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served):

On March 24, 2010, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

☒ Service information continued on attached page

**III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on March 24, 2010, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

Via Personal Delivery: Judge: The Hon. Vincent P. Zurzolo, U.S. Bankruptcy Court, Roybal Federal Building, 255 East Temple Street, Suite 1360, Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 24, 2010

Martha Gonzalez

Date

Type Name

Martha Gonzalez  
Signature

In re: PECK/JONES CONSTRUCTION CORPORATION,

Debtor(s).

CHAPTER 7

CASE NUMBER 2:04-35757-VZ

**ADDITIONAL SERVICE INFORMATION:**

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

United States Trustee (LA), ustpregion16.la.ecf@usdoj.gov  
J Scott Bovitz, bovitz@bovitz-spitzer.com  
Jon D Cantor, jdcantor@dykema.com  
Scott C Clarkson, sclarkson@lawcgm.com  
Aaron De Leest, aed@dgdk.com  
Travis W Feuerbacher, tfeuerbacher@ggls.com  
Andrew A Goodman, agoodman@andyglaw.com  
Allan H Ickowitz, aickowitz@nossaman.com  
Gregory J Jordan, jbartlett@sulmeyerlaw.com  
Gregory J Jordan, gjordan@polsinelli.com  
Jeanne M Jorgensen, jjorgensen@pj-law.com  
Q Scott Kaye, qskaye@mwe.com  
Harlene Miller, harlene@pagterandmiller.com, pandm@pagterandmiller.com  
Alan I Nahmias, anahmias@prnlaw.com, jdale@mirmanbubman.com  
R. Todd Neilson, tneilson@ecf.epiqsystems.com, vdoran@lecg.com;sgreenan@lecg.com  
George E Schulman, GSchulman@DGDK.Com  
Benjamin Seigel, bseigel@buchalter.com, IFS\_filing@buchalter.com  
Bruce Speiser, bspeiser@pircher.com  
John N Tedford, jtedford@dgdk.com  
Stuart J Wald, stuart.wald@gmail.com  
Joshua del Castillo, jdelcastillo@allenmatkins.com

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL:**

Via U.S. Mail:

Debtor (Pro Se): Peck/Jones Construction Corp., 1601 Cloverfield Boulevard, Suite 400s, Santa Monica, CA 90404

Attorneys for Integrated Mechanical Systems: Randall S. Guritzky, Esq., Gladych & Associates. Inc., 1400 Bristol Street North, Suite 270, Newport Beach, CA 92660

Attorneys for Western Allied Corporation: Ronald R. St. John, Esq., Barton, Klugman & Oetting, LLP, 333 S. Grand Ave., Suite 3700, Los Angeles, CA 90071

Attorneys for Malcolm Drilling Company, Inc.: Alan H. Martin, Esq., Michael A. Wallin, Esq., Sheppard, Mullin, Richter & Hampton, LLP, 650 Town Center Drive, 4th Floor, Costa Mesa, CA 92626

Attorneys for American Technologies, Inc.: Edward Galloway, Esq., Donald Leonhardt, Esq., Jackson DeMarco Tidus Petersen & Peckenpauh, 2030 Main St., Suite 1200, Irvine, CA 92614

List Of Creditors:

Eva Au, 3111 4th St #208, Santa Monica, CA 90405

Feldman & Associates, Inc., Mark A. Feldman, Esq., 11030 Santa Monica Blvd, Ste 109, Los Angeles, CA 90025

Franchise Tax Board, Special Procedures, PO Box 2952, Sacramento, CA 95812-2952

Franchise Tax Board, Attn: Bankruptcy, P. O. Box 2952, Sacramento, CA 95812-2952

G.D. Heil Inc., c/o Walsworth, Franklin, Bevins, One City Boulevard West, Fifth Fl., Orange, CA 92868-3677  
GE Capital Modular Space, Jennifer L Maleski Esq , 1735 Market Street, Suite 3200, Philadelphia, PA 19103

Hartford Fire Insurance Co., Hartford Plaza, Tower A T-1-55, Hartford, CT 06115

Hernan Cortez, c/o Robert S Rein, 1901 Avenue Of The Stars, Ste 1060, Los Angeles, CA 90067-6046

In re: PECK/JONES CONSTRUCTION CORPORATION

Debtor(s).

CHAPTER 7

CASE NUMBER 2:04-bk-35757-VZ

**ADDITIONAL SERVICE INFORMATION (continued):**

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL:**

Via U.S. Mail:

List Of Creditors:

Hotel Dieu Inc., c/o Stephen F Moeller Esq , Valensi Rose PLC, 2029 Century Park East Ste 2029  
Los Angeles, CA 90067

J Gregory Jones, Bovitz & Spitzer, 880 West First Street, Los Angeles, CA 90012

James Wood Adams, 30872 Janlor Dr., Westlake Village, CA 91362

L A County Treasurer & Tax Collector, Revenue And Enforcement, PO Box 54110, Los Angeles, CA 90054-0110

Leonetta L Turner, 227 S Irena Ave #4, Redondo Beach, CA 90277

Los Angeles City Clerk, P. O. Box 53200, Los Angeles, CA 90053-0200

Obayashi Corporation, David R. Zaro, Esq., 515 S. Figueroa Street, 7th Floor, Los Angeles, CA 90071-3398

Richard A. Baumann, 10642 S. Hoyne, Chicago, IL 60643

Robert F. Kennedy Medical Center, David S. Kupetz, Esq., 333 South Hope Street, 35th Floor, Los Angeles, CA 90071

Robert R Vongerichten, 339 E. Palmyra Ave., Orange, CA 92866

Roberto Jaramillo, c/o Sullivan & Sullivan, 120 S. Sepulveda Blvd. Manhattan Beach CA 90266

Sandra Haro, 11105 Rose Ave #109, Los Angeles, CA 90034

Shoring Engineers, Wolfe & Wyman LLP, 5 Park Plaza, Suite 1100, Irvine, CA 92614-5979

SMG Stone Company, c/o Atkinson Andelson Loya Ruud, 17871 Park Plaza Dr Suite 200, Cerritos, CA 90701

The Union Labor Life Insurance Co., 1625 Eye Street NW, Washington, DC 20006

Tom W Stanley, 902 Revere Wy, Bakersfield, CA 93312

UBS Bank, c/o Keesal, Young & Logan, 400 Oceangate/PO Box 1730, Long Beach, CA 90801

Walter Construction LLC, 809 Manning Rd N E #307, Calgary, Canada

Warren G Perry, 407 Magnolia Avenue, Inglewood, CA 90301

Washington Iron Works, 17926 S Broadway, Gardena, CA 90248

William H Glynn, 5555 Lewis Lane, Agoura, CA 91301

Direct Air Conditioning Inc, c/o Case Ibrahim & Clauss LLP, 575 Anton Blvd Ste 1000, Costa Mesa CA 92626

Attorneys For J. Kevin Jones and Jerve Jones, Levene Neale Bender Rankin & Brill, David L. Neale, Esq.,  
10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067